

This record is a partial extract of the original cable. The full text of the original cable is not available.

UNCLAS SECTION 01 OF 02 HARARE 001135

SIPDIS

NSC FOR SENIOR AFRICA DIRECTOR J. FRAZER
LONDON FOR C. GURNEY
PARIS FOR C. NEARY
NAIROBI FOR T. PFLAUMER
BANGKOK FOR W. DAYTON

E.O. 12958: N/A

TAGS: [PGOV](#) [ZI](#)

SUBJECT: "NEW" MEDIA AMENDMENT TOPS PARLIAMENT AGENDA

REF: HARARE 874

SUMMARY

[1](#)1. Parliament resumes on June 10, after a two-week adjournment, to allow legislators to review the new text of the Access to Information and Protection of Privacy Amendment Bill introduced by Minister Patrick Chinamasa on May 13. The new text is by-and-large the old amendments with only one substantive change pertaining to the composition of the regulatory authority. Parliament will most likely debate the fate of and dismiss Tafadzwa Musekiwa, MDC MP for Zengeza, who has missed 21 consecutive days of Parliament. END SUMMARY.

AIPPA STILL ON THE TABLE

[1](#)2. On June 10, Parliament will resume debate on the Access to Information and Protection of Privacy Act (AIPPA) Bill, after a two-week adjournment during which legislators reviewed the new text Minister of Justice, Legal, and Parliamentary Affairs Patrick Chinamasa introduced on May 13, 2003. Chinamasa introduced and got passed a motion that the text of the AIPPA Bill be treated as having already been introduced, which means the new version of the Bill will not be re-gazetted nor will it go through the Parliamentary Legal Committee (PLC). It is unclear whether the passage of this motion means the Bill will be fast-tracked, preventing debate on the portfolio committee's report.

[1](#)3. The government will meet with the PLC on June 5 and 6 to try to avert an adverse report. If the government is successful in forestalling such a report, the Bill could proceed to the Second Reading and the House could suspend the necessary Standing Orders to circumvent the portfolio committee and get this legislation passed into law before this year's Parliamentary Session adjourns. (NOTE: Typically, at the second reading stage, the minister explains the bill, the portfolio committee presents its report, and debate on the bill follows. After the second reading, the House goes through the bill line by line and adopts any changes to it before it proceeds to the third reading when Parliament passes the bill and it goes to the Head of State for assent into law. END NOTE.)

[1](#)4. AIPPA became law in March 2002 and restricts the operation of Zimbabwe's independent and foreign journalists and media companies. (See Reftel). Critics of AIPPA contend that it contravenes the constitutional right of freedom of expression and is meant to gag the independent media. The Independent Journalists Association of Zimbabwe (IJAZ) is challenging the constitutionality of AIPPA and the hearing was scheduled to begin June 3 but has been postponed indefinitely after Supreme Court Chief Justice Chidyausiku, whose allegiance to President Robert Mugabe is without question, said the court needed time to consider the Minister of Information Jonathan Moyo's request to not hear the case.

[1](#)5. The new set of amendments carry some changes that the Portfolio Committee on Transport and Communications suggested but most of the controversial elements of the Bill remain. Changes to the Bill include:

--The deletion of the clause allowing the Minister of Information and Publicity the authority to hand pick all the members of the Media and Information Commission (MIC), the body charged with registering, accrediting, and monitoring mass media and journalists.

--The deletion of a clause prohibiting owners of mass media services that publish newspapers for sale for mass circulation from continuing to own local mass media services.

--The augmentation of the penalty for intentionally or recklessly falsifying information, maliciously or fraudulently fabricating information, or publishing any knowingly false or reckless statement from a fine not

exceeding level seven or imprisonment not to exceed two years to a fine not exceeding level 14 (maximum level is 15) or imprisonment not to exceed three years. (NOTE: On May 7, the Supreme Court ruled that this section, section 80, was unconstitutional, violating Article 20 of the Zimbabwe Constitution, which guarantees freedom of expression. END NOTE.)

--The addition of a clause that would allow a foreign journalist to stay in the country beyond the 30-day maximum proposed before if the MIC feels that the accredited journalist needs additional days to cover an event.

The remaining amendments, which would expand the list of mass media products under government control and the restriction of foreign journalists and media operators, remain unchanged.

ABSENT MP

16. Parliament is likely to debate the fate of Zengeza (a high-density Harare suburb) MDC MP Tafadzwa Musekiwa, who--having secured asylum in the UK--has missed more than the constitutional limit of 21 consecutive days of Parliament. Prior to the adjournment, Chinamasa gave notice to move a motion that Parliament declare the seat vacant. Gibson Sibanda, MDC Vice-President, delayed debate by promising to persuade Musekiwa to resign by the June 10 resumption of Parliament. When the seat becomes vacant, there would be three parliamentary by-elections (one ZANU-PF seat, two MDC seats) due, although the government seems in no hurry to set dates for them (The three seats would appear safe for the previous incumbents' parties, i.e. two MDC and one ZANU-PF). To unseat Musekiwa, more than one-half of the membership (76 people) would have to vote for his dismissal. ZANU-PF currently has enough support between the elected MPs, non-constituency MPs and provincial governors to exceed the one-half mandate.

CITIZENSHIP BILL

17. The other bill that Parliament may work on before concluding the Third Session is the Citizenship of Zimbabwe Amendment Bill. The Citizenship Bill, which exempts persons of Southern African Development Community parentage, who may be citizens of these countries by descent, from compliance with the dual citizenship prohibition and the requirement to renounce the foreign citizenship in order to keep Zimbabwean citizenship, has not had its first reading and still needs to be considered by the parliamentary Legal Committee. One of USAID's contractors who is working on Zimbabwean parliamentary reforms surmised that the government would try to convince the PLC not to issue an adverse report on the Citizenship Act amendments in their June 5 and 6 meetings. If this happens, the House may be able to fast-track this bill too.

COMMENT

18. The GOZ has been trying to push through the AIPPA Bill since November 2002, when the PLC began deliberating on the constitutionality of the Bill. The new Bill that legislators have been reviewing keeps the most controversial elements of the Bill and makes a few cosmetic changes. In particular, it will be interesting how the architects of AIPPA will try to reconcile (or not) the Supreme Court's ruling that Section 80 is unconstitutional and the more stringent punishment advocated in the new text. The big question of the week will be how the executive and legislative branches of government play the last week of the Third Session of Parliament and whether the Executive will ram the Bill through Parliament regardless of an adverse PLC report or portfolio committee report. It will be a test of the commitment of legislators to parliamentary reform. END COMMENT

SULLIVAN